

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF ALABAMA
EASTERN DIVISION

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CYNTHIA GEIGER and CRYSTAL DAVIS,

Plaintiffs,

v.

RYAN FULLER SMALLWOOD,

Defendant.

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CIVIL ACTION NUMBER:

3:06 CV 194-A

NOTICE OF REMOVAL

Comes now the Defendant Ryan Fuller Smallwood in the above-styled cause and files this Notice of Removal of said action from the Circuit Court of Russell County, Alabama to the United States District Court for the Middle District of Alabama, Eastern Division, and shows and represents unto the Court as follows:

1. That the above-styled suit was begun against Ryan Fuller Smallwood on January 30, 2006.

2. That at the time said suit was begun, and at the present time, the Defendant Ryan Fuller Smallwood was, and still is, a resident citizen of the State of Georgia.

3. That both Plaintiffs are resident citizens of the State of Alabama and that said suit, is, therefore, wholly between citizens of different states.

4. That the matter in dispute in said suit, and for which suit is brought, exceeds the sum of Seventy Five Thousand and 00/100 (\$75,000.00) Dollars, excluding all interest and costs, in that the Complaint makes the following allegations:

(a) Paragraph 4 of the Complaint alleges negligence and wantonness by the Defendant in causing a motor vehicle accident on September 24, 2004.

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(b) Paragraph 5 of the Complaint states that the Plaintiffs were caused to incur medical expenses in excess of \$25,000.00.

(c) Paragraph 6 of the Complaint alleges that the Plaintiffs will incur future medical expenses for treatment of injuries caused by the Defendant's negligence.

(d) In paragraphs 7 and 8 of the Complaint, the Plaintiffs allege physical pain and suffering and mental distress and anguish.

(e) The Plaintiffs demand Judgment against the Defendant in the amount of \$200,000.00 plus costs, interest, and attorney's fees.

5. That the Defendant has not yet appeared or pleaded in said action; that service was had upon the Defendant on February 3, 2006, with the Answer due on March 6, 2006. Thus, the Defendant has until March 6, 2006 to file this Notice. That copies of all process, pleadings, and orders that have been filed in the above-styled cause are attached to this Notice.

6. That the Defendant will promptly upon the filing of the Notice of Removal give written notice thereof to the Plaintiffs and file a copy of said Notice with the Clerk of the Circuit Court of Russell County, Alabama.

WHEREFORE, the Defendant prays this Honorable Court that this Notice of Removal may be accepted and approved and that said suit be removed to the United States District Court for the Middle District of Alabama, Eastern Division, and that the Circuit Court of Russell County, Alabama proceed no further in the premises.



Stanley A. Martin (MAR049)
Attorney for Defendant
Ryan Fuller Smallwood


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CERTIFICATE OF SERVICE

I hereby certify that I have this day served a correct copy of the foregoing Notice of Removal upon the following counsel of record, by depositing a copy of same in the United States Mail, properly addressed with first class postage prepaid thereon.

Honorable Benjamin H. Parr
Post Office Box 229
Opelika, Alabama 36803

This 28 day of February, 2006.



Stanley A. Martin